

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**GREENWOOD 2, INC.
RAINBOW TRANSPORT CORPORATION
NICHOLAS J, LLC
MARKY O G, LLC
JOHN FARNSWORTH**

and

Case 22-CA-029249

**BUILDING MATERIALS TEAMSTERS
LOCAL 282**

ORDER¹

We have carefully considered the Respondents' request to seek the approval of the U.S. Attorney General to compel testimony from Respondent John Farnsworth under a grant of use immunity, pursuant to Rule 102.31(c), and the recommendation of Administrative Law Judge Steven Fish in support thereof. We note that in evaluating such requests, the Attorney General considers, inter alia, the nature and content of the testimony that the witness, if immunized, would produce in the adversarial proceeding. However, the judge's recommendation that immunity be sought does not discuss this factor.

Accordingly, having duly considered this matter,

IT IS HEREBY ORDERED that this proceeding is remanded to the administrative law judge for the purpose of receiving and considering a proffer from the Respondents concerning the nature and content of the testimony John Farnsworth would provide, if immunity were granted, and how that testimony

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

would support a finding that the Respondents had not violated the National Labor Relations Act, as alleged. Thereafter, the judge may make such further recommendations as he deems appropriate. The Respondents are granted fourteen (14) days from the date of this Order to submit their proffer to the judge.

IT IS FURTHER ORDERED that all proceedings in this matter are stayed pending final disposition of the Respondents' request to seek the approval of the U.S. Attorney General to compel testimony from Respondent John Farnsworth under a grant of use immunity, pursuant to Rule 102.31(c).

Dated, Washington, D.C., April 30, 2012.

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| BRIAN E. HAYES, | MEMBER |
| RICHARD F. GRIFFIN, JR., | MEMBER |
| TERENCE F. FLYNN, | MEMBER |